



Entered on Docket
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Upon Investment In the
Freeway 101 Loan, Except For Amounts
Designated As "Unremitted Principal"**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment In The Freeway 101 Loan; Except for amounts Designated as "Unremitted Principal" ("Freeway Loan") [DE 8777] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

1 **IT IS ORDERED** that:

2 1. The Objection [DE 8777] is sustained;

3 2. The claims listed on **Exhibit A** attached are allowed to the extent those
4 claims are the same as the scheduled unremitted principal claims related to the Freeway
5 101 Loan. The allowed amount is shown on **Exhibit A**; and

6 3. The claims listed on **Exhibit A** attached are based upon investments in
7 multiple loans. The portion of those claims related to the Freeway 101 Loan are
8 disallowed to the extent those claims exceed the amount of the scheduled unremitted
9 principal claims for the Freeway 101 Loan.

10
11 **PREPARED AND RESPECTFULLY SUBMITTED BY:**

12 **LEWIS AND ROCA LLP**

13
14 By /s/ John Hinderaker (AZ #018024)

15 Robert M. Charles, Jr.
16 John Hinderaker (*pro hac vice*)
17 3993 Howard Hughes Parkway, Ste. 600
18 Las Vegas, Nevada 89169-5996
19 Telephone: (702) 949-8320
20 Facsimile: (702) 949-8321

21 *Attorneys for USACM Liquidating Trust*
22
23
24
25
26

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

#

**USACM Trust
Freeway 101
Multiple Loan Claim**

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to the Freeway 101 Loan	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-02289	2001 Michael T Mcgrath Revoc Tr Dtd 12/11/01	Michael T Mcgrath Ttee 66 Schanda Dr Newmarket, NH 03857-2151	\$537,321.46	\$41,666.67	\$ -0-	\$41,666.67
10725-01962	Apigian Jt Ten, Larry & Leona	13501 Muir Drive SE Monroe, WA 98272	\$356,300.72	\$41,666.40	\$41,569.40	\$97.00
10725-02025	Apigian, Larry & Leona	13501 Muir Drive SE Monroe, WA 98272	Unknown	Unknown	\$ -0-	Unknown
10725-00315	Barroso, Pedro	3231 Cambridgeshire St Las Vegas, NV 89146	\$168,017.76	\$41,666.67	\$ -0-	\$41,666.67
10725-00316	Barroso, Pedro	3231 Cambridgeshire St Las Vegas, NV 89146	\$168,017.76	\$41,666.67	\$ -0-	\$41,666.67
10725-01243	Bauer, John IRA	40808 N River Bend Rd Anthem, AZ 85086-2946	\$500,000.00	\$200,000.00	\$166,277.77	\$33,722.23
10725-02290	Clark, Rosanne L	2350 High Terrance Dr Reno, NV 89509	\$305,494.48	\$41,666.67	\$41,569.40	\$97.27
10725-02356	Denise F Fager Revocable Trust Uad 2/28/03	Denise F Fager Ttee 23741 Brisbane Bay Dana Point, CA 92629	\$1,327,564.06	\$83,333.00	\$83,138.91	\$194.09
10725-02063	Dery, James D & Ann R	Husband & Wife 10 Longmeadow Ln Beachwood, OH 44122	\$2,793,347.72	\$125,000.00	\$124,708.31	\$291.69
10725-02003	Harrison Family Trust Dtd 7/27/99	Thomas B & Marguerite F Harrison Ttees 930 Dorey Dr Incline Village, NV 89451	\$614,350.36	\$83,333.33	\$83,138.91	\$194.42

EXHIBIT A

287093.1